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09/886,366	06/22/2001	Taneaki Chiba	01USFP628-K.N.	5703

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/886,366

Applicant(s)

CHIBA, TANEAKI

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 03/16/04. Claims 1-25 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-25 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-9, 15-17 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Shiraishi et al. (U.S. Patent No. 6,621,508).

Regarding claims 1, 7, 22 and 24, Irvin teaches a plurality of base stations (i.e., information distribution units) (fig.1; page 6, line 10).

Irvin further teaches a mobile switching center (MSC) (i.e., server) selecting at least one base station from among the plurality of base stations, and transmitting first message (i.e., information) to the selected base station (abstract; fig.1; page 6, line 10-20).

Irvin further teaches a mobile terminal (fig.1).

Irvin further teaches that the selected base station includes inherently a transmitting unit transmitting to the mobile terminal the first message received from the MSC such that the mobile terminal is able to display the first message, the transmitting unit transmits the first message to the mobile terminal through radio communication, and the mobile terminal receives the first message when entering a selected cell (i.e., communication area) of the selected base station (abstract; fig.1, fig.2; page 6, line 10-20, page 7, lines 11-16, page 8, lines 3-5).

However, Irvin fails to teach “a display unit visually displaying second information”. Shiraishi teaches a display unit visually displaying information (i.e., second information) (fig.5; col.12, lines 17-27, col.13, lines 3-21, col.14, lines 27-48). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to allow a display unit visually displaying second information as taught by Shiraishi. The motivation for the modification is to have doing so in order to display the required information.

Regarding claims 2 and 25, Irvin teaches that the location data (i.e., second information) is related to the first message (abstract; page 4, lines 14-20).

Regarding claims 3 and 23, Irvin teaches that the first message (i.e., information) is transmitted from the transmitting unit to the mobile terminal by radio communication (abstract; fig.1; page 6, lines 10-20).

Regarding claim 4, Irvin teaches that the first message (i.e., information) is transmitted from the transmitting unit to the mobile terminal by communication through wire (page 15, lines 17-20).

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Regarding claim 5, Irvin teaches that the first message (i.e., information) is transmitted from the transmitting unit to the mobile terminal in the wireline communication network (i.e., electric shielding (page 15, lines 17-20).

Regarding claim 9, Irvin teaches that the mobile terminal includes another state indicator visually indicating whether or not the mobile terminal is receiving the first information (page 8, line 3-5).

Regarding claim 15, Irvin teaches that the mobile terminal selects an option (i.e., sends a request) for the first information, and the transmitting unit transmits the first information in response to the request (page 8, line 3-6).

Regarding claim 16, Irvin teaches that a personal computer (i.e., information input computer) for operation by an information distributor, wherein the first information is inputted to the personal computer, and the personal computer sends the first information to the MSC (page 5, lines 5-10, page 6, line 10-20).

Regarding claim 17, Irvin fails to teach "said mobile terminal sends a user response to said information input computer". Hasebe teaches that the mobile terminal sends a user response to the information input device (i.e., computer) (col.5, lines 55-63, col.6, lines 51-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to allow the mobile terminal sending a user response to the information input computer as taught by Hasebe. The motivation for the modification is to have doing so in order to carry out the information exchange.

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Regarding claim 19, Irvin teaches that the user response includes profile data indicative of a profile of a user of the mobile terminal (abstract; page 9, lines 20-24, page 10, line 1-3, 6-14).

Regarding claim 20, Irvin teaches that the user response includes a user address (i.e., identifier) for identifying a user of said mobile terminal (page 9, lines 20-24, page 10, line 1-3, 6-14).

Regarding claim 21, Irvin teaches that a message source (i.e., profile-managing computer), wherein the mobile terminal sends another request to the message source, and the message source sends profile data indicative of a profile of a user of the mobile terminal in response to the another request (abstract; page 9, lines 20-24, page 10, line 1-3, 6-14, page 14, lines 14-24).

5. Claims 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Shiraishi et al. (U.S. Patent No. 6,621,508) and further in view of Emilsson (International Pub. No. WO 98/59506).

Regarding claim 6, Irvin in view of Shiraishi fails to teach "said first information is transmitted from said server to said selected information distribution unit through the Internet". Emilsson teaches that the first information is transmitted from the server to the base station (i.e., selected information distribution unit) through the Internet (page 8, lines 5-25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the first information being transmitted from the selected information distribution unit to the server through the Internet as taught by Emilsson.

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The motivation for the modification is to have doing so in order to provide easy access to the location information.

Regarding claim 10, Irvin in view of Shiraishi fails to teach "said second information includes a visual advertisement, and said first information includes what is related to said visual advertisement". Emilsson teaches that the second information includes a visual advertisement, and the first information includes what is related to the visual advertisement (page 9, lines 4, 5, page 10, lines 7-22). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the second information including a visual advertisement, and the first information including what is related to the visual advertisement as taught by Emilsson. The motivation for the modification is to have doing so in order to provide the local information for relative ease.

Regarding claim 11, Irvin in view of Shiraishi fails to teach "said second information includes a timetable of vehicles and said first information includes third information indicative of said timetable". Emilsson teaches that the second information includes a timetable of vehicles and the first information includes third information indicative of the timetable (page 10, lines 12-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the second information including a timetable of vehicles and the first information including third information indicative of the timetable as taught by Emilsson. The motivation for the modification is to have doing so in order to provide the details of available travel options.

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Shiraishi et al. (U.S. Patent No. 6,621,508) and further in view of Schlager et al. (U.S. Patent No. 5,963,130).

Regarding claim 8, Irvin in view of Shiraishi fails to teach "said selected information distribution unit further includes a state indicator visually indicating whether or not said transmitting unit is transmitting said first information". Schlager teaches that the selected information distribution unit further includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information (abstract; fig.2-4, fig.21; col.7, lines 9-11, 19-45, col.10, lines 26-37). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the selected information distribution unit further includes a state indicator visually indicating whether or not the transmitting unit is transmitting the first information as taught by Schlager. The motivation for the modification is to have doing so in order to provide status information.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Shiraishi et al. (U.S. Patent No. 6,621,508) and further in view of Hasebe et al. (U.S. Patent No.6,212,570).

Regarding claim 12, Irvin in view of Shiraishi fails to teach "said plurality of information distribution units are installed in a shop and said first information includes fourth information on an item displayed in said shop". Hasebe teaches that the plurality of information distribution units are installed in a different location (i.e., shop) and the first information includes fourth information on an item displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was



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made to modify Irvin in view of Shiraishi to allow the plurality of information distribution units being installed in a shop and the first information includes fourth information on an item displayed in the shop as taught by Hasebe. The motivation for the modification is to have doing so in order to provide status information.

Regarding claim 13, Irvin in view of Shiraishi fails to teach “said plurality of information distribution units are installed in a museum and said first information includes fifth information on an exhibition displayed in said museum”. Hasebe teaches that the plurality of information distribution units are installed in a different location (i.e., museum) and the first information includes fifth information on an exhibition displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the plurality of information distribution units being installed in a museum and the first information includes fifth information on an exhibition displayed in the museum as taught by Hasebe. The motivation for the modification is to have doing so in order to provide status information.

Regarding claim 14, Irvin in view of Shiraishi fails to teach “said plurality of information distribution units are installed in a zoo and said first information includes sixth information on an exhibition displayed in said zoo”. Hasebe teaches that the plurality of information distribution units are installed in a different location (i.e., zoo) and the first information includes sixth information on an exhibition displayed in the different location (col.5, lines 63-65, col.11, lines 32-39). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the plurality of information distribution units being installed in a zoo and the first information includes sixth information on

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an exhibition displayed in the zoo as taught by Hasebe. The motivation for the modification is to have doing so in order to provide status information.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Shiraishi et al. (U.S. Patent No. 6,621,508) and further in view of Rafizadeh (U.S. Pub. No. 2002/0147633).

Regarding claim 18, Irvin in view of Shiraishi fails to teach "said first information includes a questionnaire and said user response includes an answer for said questionnaire". Rafizadeh teaches that the first information includes a questionnaire and the user response includes an answer for the questionnaire (abstract; page 5, paragraphs 0120, 0128). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Shiraishi to allow the first information including a questionnaire and the user response including an answer for the questionnaire as taught by Rafizadeh. The motivation for the modification is to have doing so in order to provide the feedback to the sellers of products.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Calvert (U.S. Patent No. 6,526,275) teach Method for informing a user of a communication device where to obtain a product and communication system employing same and Baker (U.S. Patent No. 6,505,046) teach Method and apparatus for distributing location-based messages in a wireless communication network.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [shafiulalam.elahae@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

**Any response to this action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

(703) 308-5397(for formal communications intended for entry; please mark "EXPEDITED  
PROCEDURE")

(703)**306-5406**(for informal or draft communications, such as proposed amendments to be  
discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

**or hand-carried to:**

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Application/Control Number: 09/886,366

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*M. E .*

MD SHAFIUL ALAM ELAHEE

May 21, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written in a cursive style.